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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,249	06/21/2000	Masanobu Shimanuki	04329.2324	7295
22852	7590	02/02/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	5

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/598,249

**Applicant(s)**

SHIMANUKI ET AL.

**Examiner**

Stephen M. D'Agosta

**Art Unit**

2683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 23-30 have been considered but are moot in view of the new ground(s) of rejection:

1. The examiner acknowledges cancellation of claims 1-16 and the addition of claims 23-30 (claims 17-22 are non-elected claims based on a previous restriction).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumura et al. S 4,611,181 and further in view of Taketoshi et al. JP-08265044A and Masa JP-04236517 (hereafter Fukumura, Taketoshi and Masa).

As per **claims 23, 25, 27 and 29**, Fukumura teaches A temperature compensating circuit for compensating an operation of temperature detecting means for detecting the ambient temperature of the electronic circuit; and temperature compensating control means (title and abstract) comprising:

first/second storage means (figure 5, ROM #21 has multiple storage addresses/means)

correction processing means for selectively reading, from the first storage means, a corrected temperature corresponding to the ambient temperature detected by the temperature detecting means, and for correcting the operation of electronic circuit on the basis of the corrected temperature and the operation correction data stored in the second storing means (figure 5, #2, control section)

**but is silent on** storing corrected temperatures each of which corresponds to one of the detected ambient temperatures, the detected ambient temperatures being within a temperature range which is to be corrected and which is a detection characteristic of the temperature detecting means, and said corrected temperatures being set at values for correcting detection errors in the detected ambient temperatures;

Art Unit: 2683

means for storing an operation correction data prepared for correcting a temperature characteristic of the electronic circuit.

Fukumura uses a comparator to compare two signals and then make a choice as to how to control the oscillating section.

Masa teaches offset address data to compensate for dispersion/errors in a temperature detector (Constitution).

Taketoshi teaches a transmitter that uses temperature-monitoring to control a transmitter whereby an EEPROM stores offset data quantizing a temperature curve over a temperature range (figs. 3a-b) which reads on use of stored correction values.

***With further regard to claims 25 and 29, Fukumura is silent on*** an expectation temperature. Osamu teaches a frequency correcting means based on temperature that mathematically predicts the temperature characteristic which reads on an "expected temperature".

It would have been obvious to one skilled in the art at the time of the invention to modify Fukumura, such that corrected temperatures are stored, corrections can be applied and expected temperatures are utilized, to provide means for the system to perform quick look-ups and corrections for quick and accurate results as well as anticipating the operational environment.

As per **claims 24, 26, 28 and 30**, Fukumara teaches temperature compensating circuit according to claim 23, wherein said electronic circuit is an oscillator circuit for generating a reference oscillation frequency (figure 5, #3).

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD  
1-24-04



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